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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,241	06/13/2000	Jeff C. Kunins	TM00-004.US	5696

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EXAMINER

GUBIOTTI, MATTHEW P

ART UNIT PAPER NUMBER

2124

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/592,241

Applicant(s)

KUNINS ET AL.

Examiner

Matthew Gubiotti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

1. This action is in response to the amendment filed May 6<sup>th</sup>, 2003.

2. Per request of the applicant:

The abstract has been amended;

Claims 1-29 are pending in the application.

3. The Examiner acknowledges receipt of the corrected abstract and withdraws his objection to the length of the abstract.

4. In view of the amendment filed May 6<sup>th</sup>, 2003, the prior rejection of claims 1-29 under 35 U.S.C. § 112 is withdrawn.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "wherein the presenting updated with execution of the phone application on the phone application platform"

(Lines 1-2) contains grammatical errors that that leads to

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vagueness in interpretation. Appropriate correction is required. The claim has been further treated below as reading "wherein the presenting occurs concurrently with execution of the phone application on the phone application platform".

7. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "wherein the presenting capable of selecting the debugging information..." (Lines 1-2) contains grammatical errors that that leads to vagueness in interpretation. Appropriate correction is required. The claim has been further treated below as reading "wherein the presenting is capable of selecting the debugging information...".

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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9. Claims 1-17, 24-26, 28 and 29 rejected under 35

U.S.C. 102(b) as being anticipated by Burg et. al. (U.S. Pat. No. 6,456,699) (hereafter Burg).

**Claims 1, 7 and 8**

Burg teaches a method for supporting development of phone application code substantially as claimed, comprising:

*"receiving over a network interface..."* Burg teaches obtaining phone application code from a remote computer (col.8, li.12-16; fig.5, ref.84);

*"associating the phone application code..."* Burg teaches making the code available through a telephone interface via a telephone number (col.8, li.46-50, fig.5); and

*"responsive to receiving a telephone call"* Burg teaches executing the phone application code and presenting an audio output and a call flow to the remote computer (col.8, li.18-27).

**Claim 2**

Burg further teaches wherein the call flow shows the flow of program control during the telephone call (col.8, li.18-21).

**Claims 3 and 4**

Burg further teaches wherein the call flow shows concurrent (col.8, li.18-21) information to be used to debug the phone application if the behavior is unexpected (col.8, li.21-33).

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**Claims 5 and 6**

Burg teaches an application platform communicating with a remote client device over a communication network identified as the Internet (col.8, li.34-39; fig.6). It is inherent that a server connected to the Internet as taught in Burg is capable of retrieving application code from a remote computer (or "second computer system"), whether the remote system is commonly operated, or operated by a different legal entity. Additionally, the use of the Internet as a communications network inherently encompasses the use of HTTP and the output/receipt of code as form data.

**Claim 9**

Burg further teaches a method wherein the remote computer does not include specialized application development software (col.8, li.12-15).

**Claims 10-14**

The majority of limitations of this claim have been treated above (See Claims 1, 4 and 6). Additionally, Burg receiving a reference to an application from a remote computer comprising a uniform resource identifier (URI) (col.7, li.9-41; col.8, li.34-55).

**Claims 15-17 and 24-26**

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Burg teaches a method for supporting development of a phone application substantially as claimed, comprising:

*"receiving over a web interface..."* Burg teaches a first computer system obtaining a URI corresponding to the location of a phone application from a second computer (col.8, li.34-43);

*"responsive to receiving the URI..."* Burg teaches making a request to make the phone application at the URI available through a telephone interface via a telephone number (col.8, li.1-17); and

*"upon receiving a request..."* Burg teaches presenting a second computer with debugging information generated by a call to the telephone number for the phone application (col.8, li.21-33).

Burg further teaches responsive to the first message, the phone application platform is configured to retrieve and execute the phone application at a URI responsive to an identifier ("selection choice") at the start of a call to the telephone number (col.10, li.24-40).

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**Claim 28**

This claim represents the apparatus claim corresponding to the method of claim 10. It is rejected for the same reason stated above, with the apparatus referenced as follows (fig.5; col.8, li.63 to col.9, li.6).

**Claim 29**

This claim represents the apparatus claim corresponding to the method of claim 15. It is rejected for the same reason stated above, with the apparatus referenced as follows (fig.5; col.8, li.63 to col.9, li.6).

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 18 and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Burg.

**Claims 18 and 27**



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Burg does not expressly disclose that the application or debugging signals are in extensible markup language (XML). Official notice is taken that XML was a well-known markup language at the time Applicant's invention was made. Burg does disclose a method for debugging application code presented in hypertext markup language (HTML) (See col.7, li.52-65; col.8, li.12-16). It would have been obvious to a person of ordinary skill at the time of the invention to substitute hypertext markup language into XML for use in debugging or program development. The modification would have been obvious because one of ordinary skill in the art would have been familiar with the benefits of utilizing XML over HTML, e.g. the increased portability of XML when compared to HTML that allows code to be used in many different types of applications.

12. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burg as applied to claim 15 above, and further in view of House (US Pat. No. 6,119,247).

**Claims 19-22**

Burg does not expressly disclose that the signals presented to a second computer system constitute debugging information involving execution of an ongoing application. In the analogous

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art of software development, House teaches a method for debugging application code in a distributed computing environment simultaneously while the application is being executed (col.2, li.63 to col.3, li.2; col.6, li.61 to col.7, li.1). House further teaches a web interface for controlling debugging output (col.5, li.51-55). House further teaches where the debugging output comprises selecting one or more debugging output from application states, events, fill fields, variables, and custom messages (col.7, li.8-17). House teaches this method as a means of improving application performance by identifying coding errors at run-time (col.2 li.52-56). It would have been obvious at the time of the invention to combine the debugging technique of House with the method of supporting phone application development taught by Burg. The modification would have been obvious because one of ordinary skill in the art would have been familiar with the use of debugging tools to improve quality when developing and maintaining any software (including phone application software), as taught in House and suggested in Burg (col.8, li.28-33).

13. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Burg and House as applied to claim 22 above, and further in view of Curreri (US Pat. No. 6,091,896).

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**Claim 23**

Neither Burg or House expressly discloses that the debugging signals may be color coded. Curreri teaches a method of debugging an application wherein different debugging messages are color-coded (col.11, li.58-65). It would have been obvious to a person of ordinary skill at the time of the invention to apply the color-coding technique of Curreri with the debugging method of Burg modified by the teachings of House. The modification would have been obvious because one of ordinary skill in the art would have sought to minimize confusion in understanding debugging information related to different areas of application support in order to improve overall system performance as taught by Carreri and suggested by House (col.2, li.52-56).

***Response to Arguments***

14. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew

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Gubiotti whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F, 8-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MPG  
June 30, 2003

*Kakali Chaki*  
**KAKALI CHAKI**  
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